



3738  
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PTO/SB92 (08-00)

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U. S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

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Applicant: Oren Globberman, et al.  
Serial No: 09/890,172  
Filing Date: July 25, 2001  
For: EXPANDABLE INTERVERTEBRAL SPACER  
Enclosures: (1) First Class Mail Certificate; (2) Transmittal of Information Disclosure Statement (3 pages); (3) Fifth Supplemental Information Disclosure Statement (2 pages) w/IDS Citation (1 page); (4) First pages of two U.S. Patents; (5) Acknowledgement Postcard.

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TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT (Under 37 CFR 1.97(b) or 1.97(c))					Docket No. 110/02239	
Re Application Of: Oren GLOBERMAN et al.						
Application No. 09/890,172	Filing Date July 25, 2001	Examiner PREBILIC, P. B.	Customer No. 44909	Group Art Unit 3738	Confirmation No. 7714	
Title: EXPANDABLE INTERVERTEBRAL SPACER						
Address to: Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450						
37 CFR 1.97(b)						
1. <input type="checkbox"/> The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 CFR 1.53(d); within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; before the mailing of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.						
37 CFR 1.97(c)						
2. <input checked="" type="checkbox"/> The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(b), provided that the Information Disclosure Statement is filed before the mailing date of a Final Action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an Action that otherwise closes prosecution in the application, and is accompanied by one of:						
<input type="checkbox"/> the statement specified in 37 CFR 1.97(e);						
OR						
<input checked="" type="checkbox"/> the fee set forth in 37 CFR 1.17(p).						

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT**  
(Under 37 CFR 1.97(b) or 1.97(c))

OCT 12 2004

Docket No.  
110/02239

In Re Application

Oren GLOBERMAN et al.

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
09/890,172	July 25, 2001	PREBILIC, P. B.	44909	3738	7714

Title: EXPANDABLE INTERVERTEBRAL SPACER

**Payment of Fee**

(Only complete if Applicant elects to pay the fee set forth in 37 CFR 1.17(p))

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- ☒ The Director is hereby authorized to charge and credit Deposit Account No. 03-3419 as described below.
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*Paul Fenster*

Signature

Dated: September 29, 2004

Paul FENSTER, Reg. No. 33,877

William H. Dippert, Esq.

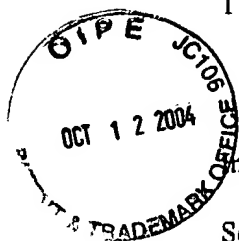
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Tel: (212) 521-5400

cc:

110/02239

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In regard to the application of: Oren GLOBERMAN et al.

Serial No : 09/890,172

Group Art Unit: 3738

Filed : July 25, 2001

Examiner: PREBILIC, P. B.

For : Expandable Intervertebral Spacer

**FIFTH SUPPLEMENTARY INFORMATION DISCLOSURE STATEMENT**

Mail Stop Amendment

Hon. Commissioner of Patents and Trademarks

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Applicants respectfully direct the attention of the Examiner to additional art cited with respect to U.S. Application No. 09/890,172 which is a U.S. national stage application under 35 U.S.C. §371 of PCT Application No. PCT/IL00/00058.

The Examiner is respectfully requested to review and consider this art, in accordance with MPEP §2001.06, MPEP §1893.03(e) and §MPEP 1893.03(g) and to indicate in the first office action that he has considered this art. Additionally, the Examiner is respectfully requested to cite those prior art publications mentioned in this application which the Examiner considers to be material or relevant to the present claims.

Further, in order to comply with discretionary regulations 37 C.F.R. §1.97 and §1.98, attached is an Equivalent to Form PTO-1449 listing the cited art. Also attached are copies<sup>1</sup> of the art. This art contains information which the Examiner may consider to be important in deciding whether to allow the present application to issue as a patent.

In accordance with MPEP §609 it is requested that each document cited [including any mentioned in Applicants' specification which is not repeated on the attached {or prior} PTO-1449 form(s) or equivalent(s) thereof] be given thorough consideration and be cited of record

<sup>1</sup> To the extent that a document is listed and no copy of same is attached, then such document is not at the present time available to the undersigned or is available in the national stage file. If a listed document is not in the English language and an English translation is readily available, such translation is also attached; if translation is not attached, it is not readily available to the undersigned. If a foreign language patent document is cited, and an English language equivalent is known to the undersigned, then such an equivalent patent is also cited on the attached form along with the corresponding foreign language patent and a connecting arrow indicated therebetween; if no such English language equivalent is cited then none is known to the undersigned.

110/02239

in the prosecution history of the present application by initialing on the PTO-1449 form or its equivalent, so that it will appear on the face of the patent issuing on the present application, even if the Examiner does not consider it sufficiently pertinent to use in a rejection, or otherwise does not believe that the guidelines for citation have been fully complied with.

The present Information Disclosure Statement is being submitted in compliance with 37 C.F.R. §1.56 as an Examiner might consider any cited document important in deciding whether to allow the application to issue as a patent, but the citation of each document is not to be construed as an admission that such document is necessarily relevant or prior art. No representation is intended that the cited documents represent the results of a complete search, and it is anticipated that the Examiner in the normal course of examination, will make an independent search and will determine the best prior art consistent with 37 C.F.R. §1.104(a), and in the course of such search will review for relevance every document cited on the attached form.

Early and favorable consideration is earnestly solicited.

Respectfully submitted,  
Oren GLOBERMAN, et al.

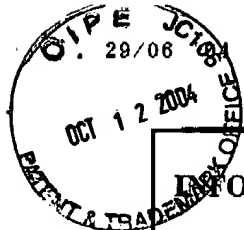


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<b>INFORMATION DISCLOSURE CITATION</b> (Use several sheets if necessary)	<b>ATTY DOCKET NO.</b> 110/02239	<b>SERIAL NO.</b> 09/890,172
	<b>APPLICANT(S)</b> Oren GLOBERMAN et al.	
	<b>FILING</b> July 25, 2001	<b>GROUP</b> 3738

**U.S. PATENT DOCUMENTS**

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	Filing date if appropriate
	1	6,500,182	31 Dec '02	FOSTER, T. L.			
	2	6,780,175	24 Aug '04	SACHDEVA, C. L. et al.			

**FOREIGN PATENT DOCUMENTS**

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION	
							YES	NO

**OTHER DOCUMENTS (Including Author, Title, Date Pertinent Pages, Etc.)**

<b>EXAMINER</b>	<b>DATE CONSIDERED</b>	
<small>*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</small>		

Equivalent to Form PTO-1449

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